

Barry I. Levy, Esq.  
NYSB #2462596, [barry.levy@rivkin.com](mailto:barry.levy@rivkin.com)  
Shari Lewis, Esq.  
NYSB #2145571; [shari.lewis@rivkin.com](mailto:shari.lewis@rivkin.com)  
RIVKIN RADLER LLP  
926 RXR Plaza  
Uniondale, NY 11556-0926  
Telephone: (516) 357-3000

John Marino, Esq. (*Admitted Pro Hac Vice*)  
Kristen Wenger, Esq. (*Admitted Pro Hac Vice*)  
SMITH GAMBRELL & RUSSELL, LLP  
50 North Laura Street  
Jacksonville, FL 33202  
Telephone: (904) 598-6100

*Attorneys for Defendant*  
*Government Employees Insurance Company*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION**

ALEXANDER MIRVIS, BETTY  
BUTLER, and LAINIE FROEHLICH,  
individually and on behalf of others  
similarly situated,

Plaintiffs,  
vs.

BERKSHIRE HATHAWAY, INC., and  
GOVERNMENT EMPLOYEES  
INSURANCE COMPANY (a/k/a GEICO)

Defendants.

Case No. 1:21-CV-02210-KAM-RLM

**AFFIDAVIT OF GOVERNMENT  
EMPLOYEES INSURANCE COMPANY**

STATE OF VIRGINIA  
                                ) ss.  
CITY OF VIRGINIA BEACH     )

I, JOHN PHAM after being first duly sworn on oath, depose and state as follows:

1. I am over the age of 18 years and I am a Senior Vice President of Government Employees Insurance Company ("GEICO"), a Defendant named in the above-captioned matter. In that capacity, I am personally familiar with the affairs of GEICO as set forth in this Affidavit, and I am fully authorized to make this Affidavit.

2. I offer this Affidavit pursuant to GEICO's letter to the Court dated May 21, 2021 and the Court's May 19, 2021 Order in the above-referenced case.

3. GEICO is a wholly-owned subsidiary of GEICO Corporation, which is an indirectly wholly owned subsidiary of Berkshire Hathaway, Inc. ("Berkshire Hathaway"). Berkshire Hathaway and GEICO are separate legal entities. GEICO operates its business in a separate building, under a separate board of directors, and has separate employees, assets, bank accounts, and a separate principal place of business located at 5260 Western Ave in Chevy Chase, MD.

4. GEICO observes all corporate formalities to maintain its independent identity from Berkshire Hathaway. Berkshire Hathaway does not exercise any day-to-day control over the operations of GEICO. GEICO does not act on behalf, or at the behest, of Berkshire Hathaway. GEICO and Berkshire Hathaway have separate management teams.

5. Berkshire Hathaway had no involvement in the issuance of insurance policies or data management that are the subject of Plaintiff's Complaint. Berkshire Hathaway had no involvement in the events or transactions complained of by Plaintiff in his Complaint.



JOHN PHAM

SUBSCRIBED AND SWORN TO before me this 20<sup>th</sup> day of May, 2021.

Robert Leroy Goodman Jr  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7892911  
My Commission Expires 4/30/2024



Notary Public for Virginia Beach  
My Commission Expires: 4/30/24